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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,639	07/29/2003	Stephen Edward Decker		8275

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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/630,639

Applicant(s)

DECKER, STEPHEN EDWARD

Examiner

Thomas K. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**Response to amendment**

1. This is in response to the request for re-consideration filed 04/29/2006.
2. Applicant's arguments have been considered but they are not persuasive for the reasons presented in this Office action.

**Quotations of U.S. Code Title 35**

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **Claim Rejections - 35 USC § 103**

7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0068983 (“Sexton”) in view of U.S. Patent No. 6,188,325 (“Vogel”).

#### **Regarding claim 1**

Sexton teaches a system for one or more persons to control one or more electromechanical devices (see page 1 paragraph 10, controlling “electro-mechanical devices”) comprising:

- a first computer or other device (see FIG. 1, “communication device 34”) with a web browser and an internet connection (see page 1 paragraph 6);
- a web browser based interface that captures the command requests entered by the user and transmits then to a second computer (see page 2 paragraph 12). *Examiner interprets that a web browser must be part of the wireless communication device 22 in order for the device to communicate and send command over the Internet*);
- a second computer (see FIG. 1, “local server 22”);
- software on the second computer for receiving the command requests sent by the first computer and a plurality of other computers (see page 2 paragraph 11);
- a process on the second computer for sending command requests to said wireless transmitter (see page 2 paragraph 13);
- an electromechanical device that responds to the control signals originating on the first computer (see pages 1-2, paragraphs 10-11).

Sexton does not specifically teach the second computer with an embedded or attached wireless transmitter; and a wireless receiver connected to an electromechanical device.

However, Vogel teaches a control device with embedded or attached wireless radio transmitter (see FIG. 1, element 6) for remotely controlling electronic or electro-mechanical devices (see col. 2 lines 34-41); and a wireless radio receiver connected to a device to be controlled (see FIG. 1 element 2) for receiving infra-red transmission from the remote radio device 6 (see col. 2 lines 42-63) for the purpose of controlling certain devices, remotely and wirelessly, over larger distances (see col. 1 lines 49-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the wireless communication of Vogel to the communication between the second computer and the electromechanical device of Sexton because it would provide for the purpose of controlling certain devices, remotely and wirelessly, over larger distances.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0068983 ("Sexton") in view of U.S. Patent No. 6,188,325 ("Vogel") and further in view of U.S. Patent No. 6,832,120 ("Frank").

**Regarding claim 2**

Sexton and Vogel teaches systems for remotely controlling devices via a web browser and wireless communication, which in turn uses the wireless transmitter to send signals to the wireless receiver, which in turn controls the behavior of the electromechanical device(s) and then communicated to the second computer (see Sexton, FIG. 1).

Sexton and Vogel do not specifically teach the web browser displays an animated representation of the device(s) being controlled whereby a person uses the web browser to input

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desired behaviors which are immediately displayed using the animated representation of the device(s) being controlled.

However, Frank teaches a control system that uses object-oriented software to integrate multiple control systems for control of diverse electromechanical systems that implement Java-enabled Web browser capable of displaying animation representation (see col. 2 lines 38-40 and col. 4 lines 20-32) to input control functions which are immediately displayed (see col. 5 lines 56-65) for the purpose of integrating a Java-based common object model, for use in centralized control and monitoring using communications network standards over the Internet (see col. 2 lines 49-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the Java-based controlling functions of Frank with the control system of Sexton and Vogel because it would provide for the purpose of integrating a Java-based common object model, for use in centralized control and monitoring using communications network standards over the Internet.

### ***Response to Arguments***

In the remark the applicant argues that cited reference fails to disclose:

- I) A centralized sever that could connect to all possible devices.
- II) Ability to control devices using only a web browser.
- III) Real time graphic feedback.
- IV) Bi-directional communication for user to know the state of a target device before sending a control request.

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In response to applicant's arguments,

I) It is noted that the features upon which applicant relies (i.e., a centralized server that in turn can: a) replicate one outbound signal and send it to all potential devices connected to it; b) discover newly added devices; c) manage and resolve conflicts between multiple operators attempting to control the same device; d) store in real time actions for sharing between multiple control operators) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

II) Prior art Sexton (USPAN 2002/0068983) discloses the wireless communication device 34 is a portable wireless device that supporting a WML browser as described in paragraph 15. Furthermore, after receiving operational data from the PLC, the user utilizes the wireless communication device 34 to enter command for controlling the PLC as also described in paragraph 15. It is clear that the user is using only a web browser to command to control devices connected to the PLC.

III) It is noted that the features upon which applicant relies (i.e., a real time graphical feedback that provide for: a) presenting understandable result of requested actions; b) new or inexperience user learn how to operate the device; c) control complex mechanical devices) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

IV) Prior art Sexton discloses a bi-directional communication between the wireless communication device 34 and the PLC (see FIG. 1). First, the PLC is sending an operational data

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to the wireless communication device 34 through the Internet as described in paragraph 13. Then, after the operational data is received by the wireless communication device 34, the user analyzes the data and sends appropriate command back to the PLC as described in paragraph 15. Therefore, bi-directional communication is part of the Sexton invention.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Thomas Pham**  
*Patent Examiner*

A handwritten signature in black ink, appearing to read 'Thuy Pham', with a long horizontal flourish extending to the right.

June 26, 2006